

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHNNY L. OLDS,

Petitioner,

v.

EBBERT,

Respondent.

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Civ. No. 1:15-cv-2377

Judge Rambo

Magistrate Judge Saporito

ORDER

Before the court is a report and recommendation filed by the magistrate judge (Doc. 6) in which he recommends that Petitioner Olds' petition submitted pursuant to 28 U.S.C. § 2241 (Doc. 1) be dismissed without prejudice to file a § 2255 motion before the appropriate court. Objections to the report and recommendation were due on June 3, 2016. As of this date, none have been filed.

For the reasons set forth in the report and recommendation, which this court finds are based on appropriate law as applied to this case, **IT IS HEREBY ORDERED AS FOLLOWS:**

- 1) The report and recommendation (Doc. 6) is **ADOPTED**.
- 2) The petition filed pursuant to 28 U.S.C. § 2241 (Doc. 1) is **DIMISSED**

WITHOUT PREJUDICE to the petitioner's right to file a § 2255 motion in the sentencing court, subject to the pre-authorization requirements of 28 U.S.C. §§ 2244 and 2255(h), as they may apply.

3) The clerk of court is directed to close this file.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge

Dated: July 12, 2016